

TTAB

Attorney's Docket No. 031021-011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD



Misys Plc.,

Petitioner,

v.

Bank M,

Respondent.

03-07-2002

U.S. Patent & TMO/TM Mail Rpt Dt. #87

U.S. Reg. No. 1,304,120
Mark: M and Design

Cancellation No. _____

PETITION FOR CANCELLATION

MISYS PLC, a corporation organized and existing under the laws of Great Britain, located and doing business at 125 Kensington High Street, London W8 5SF, Great Britain, believes that it will be damaged by the continued registration of the mark identified above and hereby petition to cancel the registration.

1. Petitioner, Misys PLC is a corporation organized and existing under the laws of Great Britain, located and doing business at 125 Kensington High Street, London W8 5SF, Great Britain.
2. Petitioner is the owner of Application Serial No. 76/283,997 for the mark M and Design filed July 12, 2001. Said application has been refused registration on the basis of the presence of the mark of Registration No. 1,304,120.

3. Upon information and belief, Respondent is the owner, by virtue of an Assignment recorded on May 23, 1989, of Registration No. 1,304,120, issued on November 6, 1984, for the mark M and Design, in connection with financial service, namely, banking, savings, loan, checking account, safe deposit services.
4. Upon information and belief, the mark of Registration No. 1,304,120 has not been used by Respondent within the past three years.
5. Upon information and belief, the mark of Registration No. 1,304,120 has been abandoned by Respondent by discontinuing use of said mark with no intent to resume use of this mark.

WHEREFORE, Petitioners pray that this Petition for Cancellation be granted, and Respondent's U.S. Registration No. 1,304,120 be canceled.

Petitioners have appointed B. Parker Livingston, Jr., a member of the law firm of Burns, Doane, Swecker & Mathis LLP, a member of the Bar of the Commonwealth of Virginia, to prosecute this cancellation proceeding and to transact all business in and before the United States Patent and Trademark Office in connection herewith. Please address all correspondence to:

B. Parker Livingston, Jr.
BURNS DOANE SWECKER & MATHIS, LLP
P. O. Box 1404
Alexandria, VA 22313-1404
703.838.6670 (telephone)
703.836.2021 (facsimile)
parkerl@burnsdoane.com

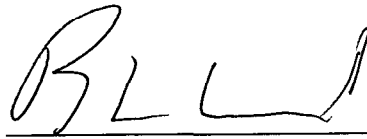
The filing fee for this Petition to Cancel in the amount of \$300.00 is enclosed herewith.

The Commissioner is hereby authorized to charge any additional fees which may be required to Account No. 02-4800.

Respectfully submitted,

MISYS PLC

By:



B. Parker Livingston, Jr.

Michael J. Leonard

BURNS DOANE SWECKER & MATHIS, LLP

P. O. Box 1404

Alexandria, Virginia 22313-1404

(703) 836-6620

Date:

3/7/02

BURNS DOANE

BURNS DOANE SWECKER & MATHIS LLP

ALEXANDRIA, VIRGINIA
REDWOOD SHORES, CALIFORNIA
DURHAM, NORTH CAROLINA



March 7, 2002

Honorable Commissioner for Trademarks
The U.S. Patent and Trademark Office
2900 Crystal Drive
Arlington, Virginia 22202-3513

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03-07-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #67

Attention: **BOX TTAB - FEE**

Re: Petition for Cancellation
Reg. No. 1,304,120
Mark: M and Design
Owner: Bank M
Attorney Docket: 031021-011

Commissioner:

Attached hereto is:

1. a Petition for Cancellation of Registration No. 1,304,120; and
2. a check in the amount of \$300.

If the amount is insufficient, please charge any additional fees to our Deposit Account No. 02-4800. A duplicate of this letter is enclosed.

Respectfully submitted,

B. Parker Livingston, Jr.
Michael J. Leonard
BPLJ/MJL
Enclosure

BURNS DOANE

BURNS DOANE SWECKER & MATHIS LLP

ALEXANDRIA, VIRGINIA
REDWOOD SHORES, CALIFORNIA
DURHAM, NORTH CAROLINA



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